

**McMANIMON, SCOTLAND & BAUMANN, LLC**

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*Local Counsel for Mercedes Benz Financial Services USA LLC*

*Local Counsel for Jalil Walters and Rasheeda Carter*

*Local Counsel for Daryl and Kim Martin*

*Counsel for Interstate Towing Recovery Incorporated*

*Local Counsel to Shauna Jones*

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY**

In re:

NEW ENGLAND MOTOR FREIGHT, INC., et al.,<sup>1</sup>

Debtors.

Chapter 11

Case No. 19-12809 (JKS)

Jointly Administered

**SUPPLEMENTAL VERIFIED STATEMENT OF  
SARI B. PLACONA, PURSUANT TO FED. R. BANKR. P. 2019**

Sari B. Placona, being duly sworn, deposes and says:

1. I am an associate of the firm McManimon, Scotland & Baumann, LLC (“MSB”).

I submit this Verified Statement pursuant to Fed. R. Bankr. P. 2019.

2. MSB has been retained as local counsel to Mercedes Benz Financial Services USA LLC (“Mercedes Benz”) in the above referenced case. MSB and Mercedes Benz entered into a

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<sup>1</sup> The Debtors in these chapter 11 cases and the last four digits of each Debtor's taxpayer identification number are as follows: New England Motor Freight, Inc. (7697); Eastern Freight Ways, Inc. (3461); NEMF World Transport, Inc. (2777); Apex Logistics, Inc. (5347); Jans Leasing Corp. (9009); Carrier Industries, Inc. (9223); Myar, LLC (4357); MyJon, LLC (7305); Hollywood Avenue Solar, LLC (2206); United Express Solar, LLC (1126); and NEMF Logistics, LLC (4666).

services agreement on February 22, 2019. Mercedes Benz's address is 13650 Heritage Parkway, Ft. Worth, Texas 76177.

3. Mercedes Benz financed New England Motor Freight's ("NEMF" or "Debtor") purchase of certain equipment. Mercedes Benz holds a properly perfected first lien and unavoidable purchase money security interest in certain equipment collateral securing Debtor's performance of all Debtor's obligations to Mercedes Benz, including all obligations arising under certain loan agreements. Mercedes Benz's security interest in the equipment collateral is properly perfected through endorsement on the certificates of title to the equipment collateral. Debtor's obligations to Mercedes Benz are guaranteed by Eastern Freight Ways, Inc., a joint debtor, and are cross-collateralized. Mercedes Benz is owed approximately \$7,467,347.89.

4. MSB has also been retained as local counsel to Jalil Walters and Rasheeda Carter ("Walters and Carter") in the above referenced case. Thomas A. Archer, Esq. is counsel to Walters and Carter in the Pennsylvania Action (defined below). Archer and MSB entered into a services agreement on March 6, 2019. Walters and Carter reside at 4109 Cypress Road, Apartment M, Harrisburg, Pennsylvania.

5. Walters and Carter are creditors of NEMF and plaintiffs in an underlying suit filed in the Supreme Court of Pennsylvania, Court of Common Pleas ("Pennsylvania Action"). NEMF, amongst others, is a defendant in the Pennsylvania Action. Walters was operating a 2006 Chevrolet Cobalt. Ronald Lamka was operating a 2012 Mack CXU ("Tractor-Trailor"), owned, operated, managed, leased and/or controlled by, amongst others, NEMF. Lamka was operating the Tractor-Trailor at an excessive speed and was negligent, careless, and reckless in his operation of the vehicle, including failing to keep an assured clear distance ahead, so as to cause a significant

collision with Mr. Walters' vehicle from behind. Walters incurred significant injuries. Carter is the wife of Walters. Walters and Carter's claim is undetermined at this point.

6. MSB has also been retained as local counsel to Daryl and Kim Martin (collectively, the "Martins") in the above referenced case. Patrick L. Biggam, Esq. is counsel to the Martins in an underlying matter pending in the State of Vermont, bearing Docket No. 345-6-17 Wncv (the "Vermont Action"). Biggam and MSB entered into a services agreement on or about April 9, 2019. The Martins reside in Vermont.

7. The Martins are creditors of NEMF and plaintiffs in the Vermont Action. Daryl Martin was operating an attenuator truck while traveling on Interstate 91 in the town of Westminster, Vermont. Robbie Layton was operating a 2006 Volvo tractor-trailer while under the employ of NEMF. Layton passed Martin, which warned him that the right lane was closed ahead; however, instead of moving to the left lane as directed, he continued traveling in the right lane and crashed into Daryl Martin's truck. Daryl Martin has incurred significant injuries. Kim Martin is the wife of Daryl Martin. The Martins' claim is undetermined at this point.

8. On April 16, 2019, MSB was retained by Interstate Towing & Recovery Incorporated ("Interstate") in the filing of a proof of claim in connection with the above referenced case. Interstate has an address of 1120 St Johns Road, Camp Hill, Pennsylvania 17011. Interstate is owed monies from NEMF for services provided.

9. MSB has recently been retained as local counsel to Shauna Jones in the above referenced case. Ryan S. Goldstein, Esq., is counsel for Ms. Jones in an underlying matter pending in the Supreme Court of the State of New York, Bronx County, bearing Index No. 20580/2017E (the "New York Action"). Goldstein and MSB entered into a services agreement on or about May 15, 2019. Ms. Jones resides in New York.

10. Ms. Jones is a creditor of NEMF and the plaintiff in the New York Action. Jones was traveling northbound on Interstate 95 nearest Exit 13 when certain vehicles owned by multiple people, amongst others, NEMF, slammed into the rear of Jones' vehicle resulting and forcing her vehicle to crash into another vehicle. Jones sustained multiple injuries due to the negligence of, amongst others, NEMF. Ms. Jones' claim is undetermined at this point.

11. MSB's representation of Mercedes Benz, Walters and Carter, the Martins, Interstate, and Ms. Jones is being disclosed pursuant to Fed. R. Bankr. P. 2019. MSB advised Mercedes Benz, Walters and Carter, the Martins, Interstate, and Ms. Jones of its representation of the parties. No conflict exists between the parties.

**McMANIMON, SCOTLAND &  
BAUMANN, LLC**

*Local Counsel for Mercedes Benz Financial  
Services USA LLC; Local Counsel for Jalil  
Walters and Rasheeda Carter; Local  
Counsel for Daryl and Kim Martin; Counsel  
for Interstate Towing Recovery Incorporated;  
and Local Counsel to Shauna Jones*

/s/ Sari B. Placona  
Sari B. Placona

Dated: May 23, 2019